

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Filed: October 31, 2014

Mr. Courtney R. Logan
WCCF
P.O. Box 1889
Woodville, MS 39669

Re: Case No. 14-5019, *Courtney Logan v. Davidson County*
Originating Case No. : 3:13-cv-01157

Dear Mr. Logan,

The Court issued the enclosed order today in this case.

Sincerely yours,

s/Cathryn Lovely for Roy Ford
Case Manager
Direct Dial No. 513-564-7016

cc: Mr. Keith Throckmorton

Enclosure

No. 14-5019

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

COURTNEY R. LOGAN,

Plaintiff-Appellant,

v.

DAVIDSON COUNTY,

Defendant-Appellee.

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FILED
Oct 31, 2014
DEBORAH S. HUNT, Clerk

O R D E R

Courtney R. Logan, a Mississippi prisoner proceeding pro se, appeals the district court's judgment dismissing his civil complaint for failure to pay the filing fee. Logan has moved for the appointment of counsel.

Logan filed a complaint against Davidson County, Tennessee, alleging that he was being unlawfully detained and that he was being denied access to the courts. He sought monetary and injunctive relief. The district court determined that, because Logan had filed at least three civil actions while incarcerated that had been dismissed as frivolous or for failure to state a claim, he was barred by the three-strikes provision in 28 U.S.C. § 1915(g) from proceeding with his complaint absent prepayment of the filing fee. The district court gave Logan thirty days to pay the fee, and, when he failed to do so, the court dismissed the complaint. The district court denied Logan's subsequent motion to proceed in forma pauperis on appeal.

The three-strikes provision prohibits a prisoner from bringing a civil action or appealing a judgment in a civil action without prepayment of fees if, while incarcerated, the prisoner has filed three or more actions that were dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g); *Pointer v. Wilkinson*, 502 F.3d 369, 372 (6th Cir. 2007).

No. 14-5019

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Logan has filed at least three prior actions while incarcerated that were dismissed as frivolous or for failure to state a claim upon which relief could be granted. And he has not alleged facts showing that he is under imminent danger of serious physical injury. Logan's obligation to pay the appellate filing fee through partial payments over time, as ordered by the district court, does not vitiate § 1915(g)'s requirement of full payment before this appeal may proceed. *See In re Alea*, 286 F.3d 378, 380-81 (6th Cir. 2002).

Accordingly, unless Logan pays the full \$505 appellate filing fee to the district court within thirty days of the entry of this order, this appeal will be dismissed for want of prosecution. Logan's motion to appoint counsel is denied.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk